

IN THE HIGH COURT OF BOMBAY AT GOA
MISCELLANEOUS CIVIL APPLICATION NO. 836 OF 2005
IN
COMPANY PETITION NO. 7 OF 2004

M/s Western India
Shipyard Ltd.,
Mormugao, Goa.

... Applicant

versus

M/s Cedervall and
Sooner AB Ltd.,
Sweden.

... Respondent

Mr. U. R. Timble, Advocate for the Applicant.

Mr. Anil Malhotra with Mr. P. A. Kholkar, Advocates for the Respondent.

CORAM : N. A. BRITTO, J.

DATE : 18TH NOVEMBER, 2005.

P.C.:-

Heard Mr. U. R. Timble, learned Counsel appearing on behalf of the applicant(original respondent) and Mr. Anil Malhotra with Mr. P. A. Kholkar, learned Counsel appearing on behalf of the respondent(original petitioner).

By Order of this Court dated 30-9-2005, the respondent-Company was allowed to pay an amount of Rs.10,00,000/- to be duly converted into Swedish kronas by the Bankers by sight draft through Syndicate Bank within six weeks from the date of the order and, in default the Company Petition shall be admitted and advertised and in case the compliance was made by the said respondent-Company the Company Petition was to be posted for necessary direction after six weeks.

The applicant(original respondent) has filed an application dated 11-11-2005 for extension of time by six weeks as stipulated by Order dated 30-9-2005.

No reply has been filed by the respondent(original petitioner) to the said application dated 14-11-2005 but it has been submitted by Mr. Anil Maholtra, the learned Counsel appearing on behalf of the original petitioner that as on 6-11-20205 the applicant(original respondent) owes the petitioner a sum of Rs.22,23,104/- and in case the applicant (original respondent) pays interest at the rate of 12.5% on the said sum of Rs.10,00,000/- to be converted into Swedish kronas the petitioner would have no objection for extention of time.

On the other hand, Mr. U. R. Timble, the learned Counsel appearing on behalf of the applicant(original respondent) has submitted that the said respondent is prepared to deposit in this Court the said sum of Rs.10,00,000/- to prove the bonafides of the respondent and if at all any delay has been occasioned to comply with the order of this Court dated 30-9-2005 it has been due to want of sanction from the Reserve Bank of India inspite of the fact that permission from Reserve Bank of India was sought on the very day of the Order dated 30-9-2005 and after a reply was received from the Reserve Bank of India dated 10-10-2005 a further reminder dated 9-11-2005 was sent to the Reserve Bank of India but inspite of that the sanction from the Reserve Bank of India is still awaited.

Considering what is stated in the application by the respondent and further considering that sanction of the Reserve Bank of India is also required to remit the sum of Rs.10,00,000/- duly converted in Swedish kronas by the Bankers this is a fit case to extend the time fixed by this Court by Order dated 30-9-2005. The respondent is hereby directed to deposit in this Court the said sum of Rs.10,00,000/- within a period of one week. On

deposit being made, the said sum of Rs.10,00,000/- shall be invested by the Registrar in any Nationalised Bank for a period of one month to be renewed thereafter every month. Application dated 14-11-2005 is disposed of accordingly on the above terms. Respondent to diligently pursue the obtaining of sanction from Reserve Bank of India for remittance of Rs.10,00,000/- with accrued interest.

N. A. BRITTO, J.

RD.